761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: September 11, 2008

OFFICE CORRESPONDENCE   FILE NO. SH2182232

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
SERGEANT BRADD MOLNER #[redacted]
TRAFFIC SERVICES DETAIL (RISK MANAGEMENT BUREAU)

On Thursday, October 19, 2006 at approximately 2050 hours, Deputies Molner and Valencia (then assigned to Compton Station) were working a Traffic Services Detail DUI Task Force operation overtime assignment at Norwalk Station. At approximately 2050 hours, they noticed three males exit Ramona Park. Both deputies were aware of gang activity in the area and a prior car-jacking that night.

The deputies stopped their patrol car and turned their spotlights on the males. As the deputies exited their patrol car one male stopped and laid down on the ground while two others ran away. One of the males (Subject [redacted] grabbed his waistband and fled the area. Deputy Valencia detained the one on the ground as Deputy Molner went in foot pursuit of Subject [redacted] The second male who ran away was not located.

Deputy Molner gave several verbal commands for Subject [redacted] to stop, however, Subject [redacted] continued to run away. As he ran, Subject [redacted] withdrew a revolver from his waistband. Deputy Molner chased Subject [redacted] for approximately 100 yards until Subject [redacted] stopped, spun to his right, and pointed his weapon at Deputy Molner. Deputy Molner fired one round from his duty weapon from approximately 30 feet away, striking Subject [redacted] in the right hip area. Subject [redacted] fell to the ground and remained motionless.

Following the shooting, Deputy Valencia placed the person he was detaining in the patrol car and drove to Deputy Molner's location. Deputy Molner broadcast the shooting and when assistance arrived Subject [redacted] was taken into custody and his gun (Ruger Blackhawk, .357 Magnum, 6 live hollow point rounds) was recovered.

Subject [redacted] was transported to UCI Medical Center where he was treated for a through-and-through gunshot wound to his hip and internal injuries (rupture to the colon) caused by the bullet path.

On September 11, 2008 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Sergeant Bradd Molner #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Name in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:MOT:mt

Table of Contents

SH2182232

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 4/4/08	Bureau/Station/Facility: NORWALK STATION	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 006-1903-0459-055	Date: 10/22/06	Time: 2053
City or Station: NORWALK	Nature of Incident: DEPUTY-INVOLVED HIT SHOOTING	
Location: [redacted] CLARESSA AVE.		

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street) — circled. Other: ______

Lighting (*circle only one*): (Darkness) — circled, Daylight, Other, Street Lights

Weather (*circle only one*): (Clear) — circled, Cloudy, Fog, Rain

Distance: 30 FEET

Incident Type (*circle one or more*): Accidental, (Armed Person), (Fleeing Suspect), (Foot Pursuit) — circled, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: PEDESTRIAN STOP

Initiated by (*circle only one*): Arrest Warrant, Call, (Observation) — circled, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol) — circled

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
1	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	VALENCIA	JOSEPH		EM (PM) Day	Regular (Overtime) Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.			
[redacted]	[redacted]	[redacted]			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
[redacted]	[redacted]	[redacted]	--	[redacted]	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	HARMAN	CRAIG		(On Duty) — circled, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	GONZALEZ	LIZA	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	FETTEROLL	DOUGLAS	

PSTD Use Only

SH # 2182232

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 006-1903-0459-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10/19/06	2230	4/7/08	

Employee #	Last Name	First Name	M.I.
[redacted]	BERG	MICHAEL	R
[redacted]	HILL	SCOTT	G
[redacted]	JENNINGS	RICKEY	D

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	FH	SR	35			NN	
E1	S1	FH	BR	9	Y	Y	GS	AD

Officer Involved Shooting
Involved Employee Information

URN: 006-19073-0459-055

Involved Employee

E 1

Field	Value
Employee #	[redacted]
Last Name	MOLNER
First Name	BRADD
M.I.	
Sex	M
Race	W
Rank	DEPUTY SHERIFF
Unit Assignment	CPT (OCC @ NWK)
Work Assignment (Unit #, Module, etc.)	45X
ShiftTime (*circle only one*): EM / PM / Day	PM (circled)
ShiftType (*circle only one*): Regular / Overtime / Off Duty	Overtime (circled)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	5
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Uniform w/ Vest (circled)
Other Factors	
Age	[redacted]
Height	6-01
Weight	220
Range Qualification Date	8/17/06
PPC Qualification Date	5/21/04
Laser Training Date	7/3/03
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☒
Number of Prior Shootings	1
Directed Force	[redacted]
Weapons Fired Brand / Caliber / # Shots	BERETTA / 9MM / 1
Weapons Fired Brand / Caliber / # Shots	
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted] / [redacted] / [redacted] /
Field Training Officer Emp # / Last Name / First Name / M.I.	

E___

Field	Value
Employee # / Last Name / First Name / M.I.	
Sex / Race	
Rank	
Unit Assignment	
Work Assignment (Unit #, Module, etc.)	
ShiftTime (*circle only one*): EM PM Day	
ShiftType (*circle only one*): Regular Overtime Off Duty	
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	
Duty Time (hrs)	
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	
Other Factors	
Age / Height / Weight	
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	☐
Patrol Certification?	☐
Certification Unit	
Prior Shootings?	☐
Number of Prior Shootings	
Directed Force	☐
Weapons Fired Brand / Caliber / # Shots	
Weapons Fired Brand / Caliber / # Shots	
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

E___

Field	Value
Employee # / Last Name / First Name / M.I.	
Sex / Race	
Rank	
Unit Assignment	
Work Assignment (Unit #, Module, etc.)	
ShiftTime (*circle only one*): EM PM Day	
ShiftType (*circle only one*): Regular Overtime Off Duty	
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	
Duty Time (hrs)	
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	
Other Factors	
Age / Height / Weight	
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	☐
Patrol Certification?	☐
Certification Unit	
Prior Shootings?	☐
Number of Prior Shootings	
Directed Force	☐
Weapons Fired Brand / Caliber / # Shots	
Weapons Fired Brand / Caliber / # Shots	
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

See Other Side

Officer Involved Shooting
Suspect Information

URN: 006-1903-0459-055

Suspect Information

S 1

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: M	Race: H	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
Age: 17	D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge: 245(D)(1) PC		Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:	
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History?	
Vehicle Make N/A		Model:	Year:	

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex:	Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
Age:	D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:	
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐	
Vehicle Make		Model:	Year:	

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex:	Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
Age:	D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:	
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐	
Vehicle Make		Model:	Year:	

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex:	Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
Age:	D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:	
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐	
Vehicle Make		Model:	Year:	

See Other Side

INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED HIT SHOOTING
IAB SH2182232
URN 406-19073-0459-055

On Thursday, October 19, 2006, Sergeants Michael Berg and Scott Hill of the Internal Affairs Bureau responded to Norwalk Station regarding a deputy-involved hit shooting. Internal Affairs Bureau Lieutenant Rickey Jennings also responded.

Deputies Molner and Valencia of Compton Station were working a PM shift overtime assignment at Norwalk Station. At approximately 2050 hours, they noticed three males exit Ramona Park. The males walked diagonally across Mapledale Street from the south curb toward the northeast corner of Mapledale and Claressa Avenue. Both deputies were aware of gang activity in the area and a prior carjacking that night.

The deputies stopped their patrol car facing the northeast corner of Mapledale and Claressa, and they turned their spotlights on the males. As the deputies exited their patrol car, one male (Suspect [REDACTED] grabbed his waistband and ran north on Claressa. One male stopped and laid down on the ground while the other fled the area. Deputy Valencia detained one suspect as Deputy Molner went in foot pursuit of the fleeing [REDACTED]

Molner gave several verbal commands for [REDACTED] to stop. As [REDACTED] ran, he withdrew a revolver from his waistband with his left hand. Molner chased [REDACTED] for approximately 100 yards to the sidewalk in front of [REDACTED] stopped in front of the location, spun to his right and brought his weapon toward Molner, who was behind and to the left of [REDACTED] in the street. Molner fired one round from his duty weapon from approximately 30 feet away, striking [REDACTED] in the right hip area. [REDACTED] fell to the ground and remained motionless.

As Valencia detained and handcuffed a suspect at the corner by the patrol car, he heard one gunshot. He estimated 10-15 seconds had elapsed since Molner began chasing the suspect. Valencia placed the suspect in the patrol car and drove to Molner's location in 4-5 seconds. Molner made a radio broadcast of the shooting. When backup arrived 20-30 seconds later, Molner and Valencia approached and handcuffed the suspect, recovering a loaded revolver.

Paramedics were summoned and arrived. [REDACTED] was transported to UCI Medical Center where he was treated for a through-and-through gunshot wound to his hip.

Deputy Rafter from the Force Training Unit and Lieutenant Shaun Mathers of the Civil Litigation Unit also responded to the incident.

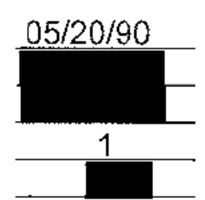
IAB Lieutenant Jennings checked to see that the Watch Commander, Lt. Fetteroll, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Jennings checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.

INVOLVED PERSONNEL:

MOLNER, Bradd, Deputy #
Field Operations Region II
Compton Station

EMPLOYEE WORK HISTORY:

MOLNER, Bradd



Date of Employment	05/20/90
Date assigned to Patrol	
Completed Patrol Training	
Prior Shooting Incident(s)	1
Prior Founded Force Incidents	

SUSPECT:

MH/17 Booking #

A check of CCHRS (Consolidated Criminal History Reporting System) and JAI (Juvenile Automated Index) revealed that Suspect a juvenile (CII# has been and

Refer to the CCHRS, RAPS and JAI printouts included under the **Exhibit A, pages 43-52.**

WITNESSES:

Sworn:

VALENCIA, Joseph, Deputy #
Field Operations Region II
Compton Station

Civilian:



MH/15

Ph#-

> **IAB Note: A canvass of the shooting scenes was conducted. Over 40 residents were contacted, while numerous other residences had no persons at home. None of the witnesses offered any substantial information. Most of the witnesses heard gunshots, but did not see anything and could not identify who fired the rounds. Refer to the supplementary reports under Exhibit A, pages 9-16, for the witnesses' statements and information.**

INJURIES:

-(1) gunshot wound to the right hip, exit wound 3 inches left of the navel (through-and-through, non-fatal).

Suspect was treated at the scene by paramedics from L.A. County Fire Department and transported via ambulance to University of California Irvine Medical Center in Orange. He was treated in the Emergency Room by Dr. Dolich and Dr. Gelfand. Dr. Dolich confirmed the suspect sustained two small gunshot wounds as described above (entry and exit wounds). Dr. Dolich added that the suspect sustained internal injuries in the form of a rupture to the colon, caused by the bullet path. Dr. Dolich reported the suspect to be in stable condition.

No deputies were injured.

PHYSICAL EVIDENCE:

Refer to the Homicide Book, **Exhibit A, p. 23-28** for Physical Evidence gathered at the crime scene(s) and processed by the Crime Lab. The Crime Lab report and crime scene sketches are located in **pages 35-41** of the same exhibit. Refer to photographs of the crime scene and evidence (**Exhibit C**).

INVESTIGATOR OBSERVATIONS:

The physical evidence at the shooting scene (positions of the deputy's shell casing, position of the suspect, the suspect's gun, and evidence recovered at the scene) appears to be consistent with the deputies' versions of the events. Refer to the Homicide Book (**Exhibit A, p. 23-28**) for additional scene observations. Also, refer to **Exhibit C** for photographs of the scene.

A review of radio traffic from both the dispatch and L-tac frequencies revealed there was no radio broadcast of the foot pursuit. The initial radio broadcast over Dispatch 13 occurred at 2051 hours regarding a 998 (deputy-involved shooting).

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Molner, Bradd

Departmental-issued service firearm; Beretta 92F, 9mm, serial #BER[REDACTED] **1 round** of duty issue 9mm ammunition fired. Molner carried his weapon with 15 rounds in the magazine and one in the chamber. Following the shooting, he had 14 rounds in his magazine, and one in the chamber. Deputy Molner's round was accounted for and located (Evidence Item #3) . Molner was approximately 30 feet from the suspect when he fired. Refer to the Crime Lab examination of Molner's weapon (**Exhibit A, lab receipt J814115**).

WEAPONS USED BY SUSPECT:

Suspect [REDACTED] used a Ruger, New Model Blackhawk, .357 Magnum caliber, six-shot, single action revolver; serial #[REDACTED] loaded with 6 live .357 Magnum copper-jacketed hollow point cartridges. The suspect removed his weapon from his waistband The revolver was located and recovered lying on the sidewalk by the suspect's position. Refer to **Evidence item # 2, Exhibit A, pages 23-28, 35-37, lab receipt J814113**. There were no fired rounds.Refer to photos in **Exhibit C**.

PROPERTY DAMAGE:

No department or private property was damaged. Lieutenant Shaun Mathers and Deputy Greg McKnight of Civil Litigation responded to the scene.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator's Name	Detective Paul Fournier (Homicide)
Court	Bellflower
Charges Filed	245(d)(1) PC/ 12025(a) PC/ 12031 (a) PC
Court Date	None-Case Dispositioned
Case Number	VA097874

Suspect [redacted] charges in this incident were combined with another case in which he was a [redacted] The case was adjudicated on 03/29/07. [redacted] was convicted of 215(a) PC, Carjacking, and sentenced to 16 years in state prison; additionally, he was convicted of 417.8 PC (Draw Firearm on Peace Officer with Intent to Resist Arrest) and sentenced to two years in state prison. As part of a plea agreement, the charges of 245(a)(1) PC (Assault with a Deadly Weapon on a Peace Officer) and 664/211 PC (Attempted Robbery) were dismissed.

LIGHTING OR WEATHER CONDITIONS:

The weather was cloudy, cool, and dark at the time of the shooting (approximately 2053 hours).

INVOLVED EMPLOYEES STATEMENTS:

Deputy Molner, Bradd

Deputy Molner was working a uniformed, marked patrol car with his partner, Deputy Valencia. Molner wore a Class B uniform and his Sam Browne gunbelt. Valencia and Molner, both assigned to Compton Station at the time, were working a PM overtime shift at Norwalk Station.

Valencia and Molner were driving eastbound on Mapledale Street while "blacked out "(no headlights). They saw three males walk out of the park on the south side of Mapledale and cross the street diagonally toward the northeast corner of Mapledale and Claressa Avenue. Molner was aware of gang problems in the area, including shootings, and knew they were

in a "Carmelas" gang . Molner had worked Norwalk Station approximately 6 years prior to the shooting. Molner was the driver of the patrol car.

Molner and Valencia decided to "hit them with their lights (spotlights/headlights) to see the males' reaction. Molner stopped the car as they faced the northeast corner of Mapledale and Claressa. Molner saw Suspect [redacted] look directly at the patrol car, hesitate for a second with a shocked look on his face, then run north on Claressa. As [redacted] turned to his right to run, his left hand immediately went to his waistband. Based on Molner's experience, he believed [redacted] was concealing and/or holding a gun.

Molner immediately ran after the suspect. He said there was no communication with Valencia prior to chasing [redacted] Molner recalled he might have said, "417" (man with a gun), to Valencia. Molner saw Valencia call the other two suspects over to the patrol car and believed at least one of the suspects was complying. Molner chased the suspect while holding his gun in his right hand and his flashlight in his left hand.

Molner had worked with Valencia off and on for a couple of years. They had an understanding that if there was a foot pursuit, Molner would chase the suspect and Valencia would follow in the patrol car. As Molner chased the suspect, he believed Valencia was on the passenger's side of the patrol car by the hood. Molner believed Valencia was watching him.

Molner was chasing [redacted] down the east sidewalk of Claressa until he saw the suspect remove a handgun from his waist with his left hand. At that point, Molner moved into the middle of the street. He believed it was a tactically improved position since it was in the suspect's "blind spot" to the rear and left of the suspect. Molner estimated he was 30-40 feet behind the suspect as they ran.

Molner believed he chased the suspect for approximately 60 yards and between 8-9 seconds. He did not make a foot pursuit broadcast. Molner considered making a foot pursuit broadcast but had his flashlight in his left hand. He debated putting his flashlight away and getting on the radio but he believed it was more important to keep the suspect illuminated. Molner expected the suspect to stop running and go into one of the yards at the residences along the east side of Claressa. Molner would have put his light away at that point and made a broadcast. He also had made a decision that if the suspect made it to the corner at Pontlavoy Avenue (farther north on Claressa), he would stop and initiate a containment via the radio. Molner stated he was familiar with the foot pursuit policy

Molner felt that if he could get to a place on the street where the lighting was improved and there was good cover, it would be a safe place to put his flashlight away and make a broadcast. Molner noted there was some cover behind parked cars or fences, but he did not recognize any immediate cover because his primary focus was on the suspect.

Molner yelled several times for the suspect to stop. Molner told the suspect that he would catch him. Molner believed his statement would encourage the suspect to stop and the

strategy had worked for him before.

Molner believed setting up a containment in lieu of a foot pursuit would have been an unsuccessful tactic because the area was huge and the suspect did not commit to entering a yard.

Molner said he treated his foot pursuit as a one-man foot pursuit. He would not have tried to tackle the suspect or follow him over barriers. Molner also said he was familiar with the single man foot pursuit policy. During the foot pursuit, Molner was hopeful that the suspect would stop. Once Molner saw the gun, he was intent on apprehending the suspect. Molner was not trying to close the distance or tackle the suspect.

As the suspect came to [REDACTED] he stopped and turned to his right. At first, Molner believed the suspect was going to jump the fence into the yard at that location. The suspect continued to spin around and Molner saw the suspect's gun coming toward him. Molner saw the gun coming at himself and recalled the laser on his gun. Molner thought the suspect believed he was directly behind the suspect. Molner thought the suspect expected him to be behind him, but Molner was off to the suspect's left in the middle of the street. Molner recalled seeing the suspect holding a big, dark revolver. Molner fired one round from his weapon at that time. Molner fired one-handed. Molner did not remember the exact details but recalled seeing the threat and firing his weapon. Molner estimated he was 30 feet from the suspect when he fired.

At the moment of the shooting, Molner did not remember thinking anything about his backdrop. Molner knew that there was a fence and some houses for his backdrop and knew there was no one outside.

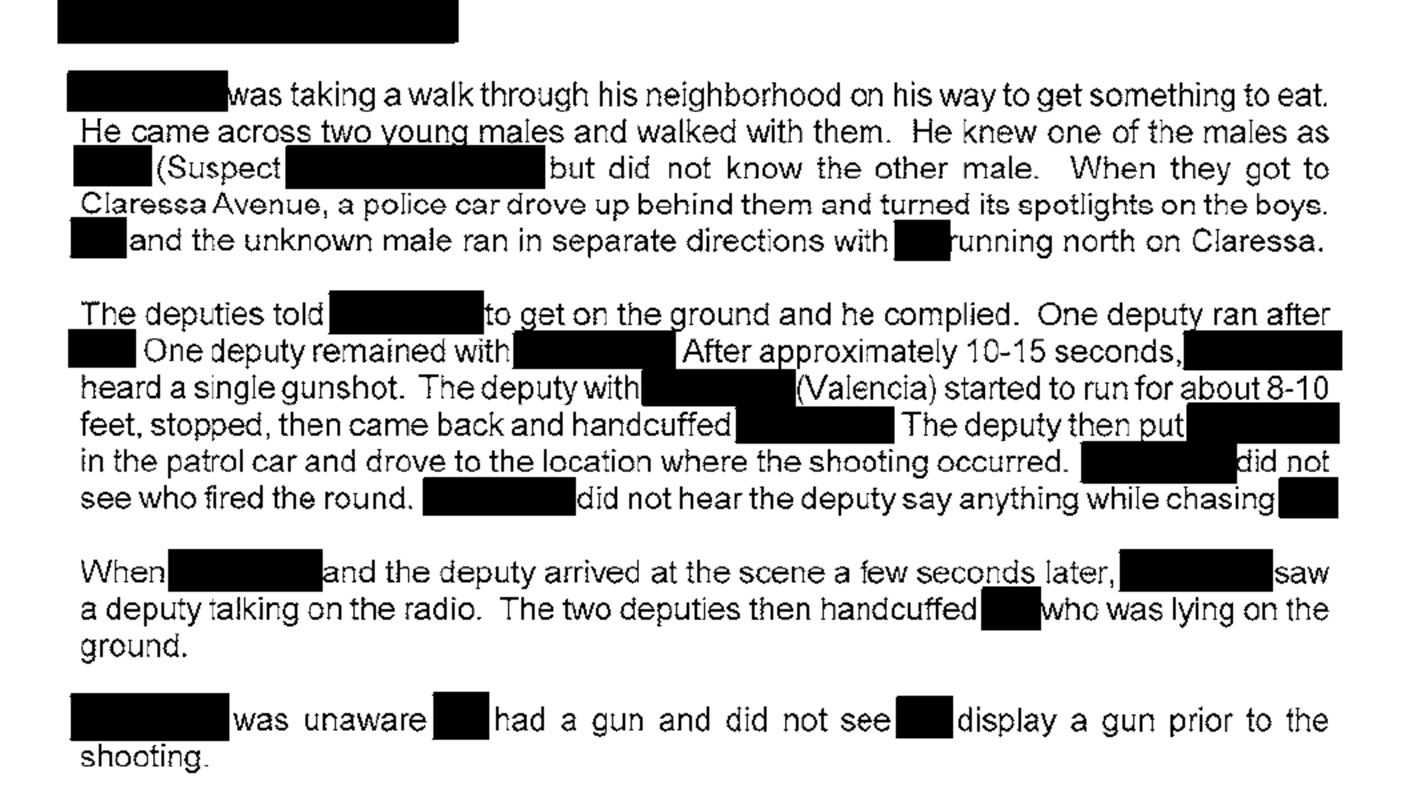
When the suspect was lying on the ground, Molner took cover behind the parked car (next to the suspect). He moved to cover after he fired. Molner did not consider firing additional rounds because the suspect dropped to the ground in an instant. Molner thought he shot the suspect in the head based on the way the suspect fell from the first shot. The suspect fell with his legs curled up beneath himself and his head turned to the right. The gun and the suspect's hands were also beneath him.

Immediately after the shooting, Molner made a radio broadcast of the shooting. Within 4-5 seconds of the shooting, Valencia arrived in their patrol car. Molner believed Norwalk Deputy Healey arrived within 20-30 seconds of Molner's broadcast. Deputy Healey covered Valencia and Molner while they approached and handcuffed [REDACTED] showed the deputies his hands and told them the gun was beneath him.

For additional detail, refer to the Involved Employee Statements section for verbatim transcripts of Molner's interviews with IAB and Homicide.

WITNESS STATEMENTS:

Civilian Witnesses



[redacted] was taking a walk through his neighborhood on his way to get something to eat. He came across two young males and walked with them. He knew one of the males as [redacted] (Suspect [redacted] but did not know the other male. When they got to Claressa Avenue, a police car drove up behind them and turned its spotlights on the boys. [redacted] and the unknown male ran in separate directions with [redacted] running north on Claressa.

The deputies told [redacted] to get on the ground and he complied. One deputy ran after [redacted] One deputy remained with [redacted] After approximately 10-15 seconds, [redacted] heard a single gunshot. The deputy with [redacted] (Valencia) started to run for about 8-10 feet, stopped, then came back and handcuffed [redacted] The deputy then put [redacted] in the patrol car and drove to the location where the shooting occurred. [redacted] did not see who fired the round. [redacted] did not hear the deputy say anything while chasing [redacted]

When [redacted] and the deputy arrived at the scene a few seconds later, [redacted] saw a deputy talking on the radio. The two deputies then handcuffed [redacted] who was lying on the ground.

[redacted] was unaware [redacted] had a gun and did not see [redacted] display a gun prior to the shooting.

Deputy Witnesses

Deputy Valencia, Joseph

Deputy Valencia was working a uniformed, marked patrol car with his partner, Deputy Molner. Valencia wore a green Sheriff's polo shirt with shoulder patches and a cloth badge, and also wore a green Sheriff's protective vest marked with a cloth badge and Sheriff's insignia over his polo shirt. Valencia also wore blue jeans and his Sam Browne gunbelt. Valencia and Molner, both assigned to Compton Station at the time, were working a PM overtime shift at Norwalk Station.

Valencia and Molner were driving eastbound on Mapledale Street approaching Claressa Avenue when they saw three males dressed in black walking across Mapledale from south to north. Valencia said he and his partner were aware of gang problems in the area and were advised about a carjacking which had occurred earlier that evening. Valencia knew Molner was familiar with the area since Molner had worked Norwalk before. When the

deputies turned their vehicle's spotlights on the males, the male farthest to the north (Suspect [redacted] grabbed his waist and ran north on Claressa.

The deputies stopped their vehicle pointed at the northeast corner of Claressa and Mapledale, and exited their car. Valencia ordered one of the males [redacted] to stop. [redacted] laid down on the ground at the northeast corner of Mapledale and Claressa. Valencia moved toward the suspect to search and detain him. Deputy Molner exited the car and immediately chased after the suspect who ran north on Claressa. The third suspect fled and was not seen or located.

Valencia had worked with Molner before and believed they had an understanding of what they would do when contacting suspects. Based on Suspect [redacted] actions and Valencia's experience, Valencia believed [redacted] was securing a weapon in his waistband so he could run. Valencia yelled, "Gun," to his partner.

Valencia described that in past similar situations, either both partners would chase a suspect on foot, or--if one partner engaged in a foot pursuit--the other partner would follow in the patrol car. Valencia's intentions were to detain and secure his suspect [redacted] then drive after his partner. Valencia estimated it took him ten seconds to detain and handcuff [redacted] While detaining [redacted] Valencia heard a single gunshot. He believed the shot came from Molner.

Valencia did not consider running with Molner because he did not know if his suspect was armed and did not want to be flanked to the rear.

Valencia recalled that Molner was running with his flashlight and gun in his hands. As Molner ran, Valencia distinctly heard him yell "Drop the gun" twice. As Valencia dealt with his suspect, he also maintained a visual on Molner. Valencia saw Molner running north in the middle of the street (Claressa). Valencia believed it was easy to track Molner because he could see Molner's flashlight beam. The suspect ran along the east sidewalk of Claressa. As Molner chased the suspect, he was offset to the left and rear of the suspect.

Valencia said Molner never made a foot pursuit broadcast. Valencia estimated that from the time Molner initiated the foot pursuit until Valencia heard the gunshot was 8-10 seconds. Valencia was placing the suspect into the patrol car when he heard the gunshot. Valencia immediately drove to Molner's location, north on Claressa, which took approximately five seconds. Valencia estimated the distance from the patrol car's initial stop to Molner's location was 200 feet.

Valencia did not see the shooting. He noted that there were no persons on the street at the time of the shooting.

Valencia noted there was available cover on both the east and west curblines of Claressa from parked vehicles. Valencia did not engage in a foot pursuit at anytime and absolutely believed his partner's actions were safe.

Valencia stopped the patrol car in the middle of the street in front of [REDACTED] Molner was offset south and west of the suspect in the middle of the street, holding the suspect at gunpoint. The suspect was lying on the sidewalk. Molner was making a "998" broadcast. Valencia and Molner discussed the location of the suspect's gun and how to approach the suspect. A Norwalk patrol deputy arrived and held the suspect at gunpoint while Molner and Valencia approached and handcuffed the suspect. Valencia did not recall the exact approach or if there was available cover. Valencia recalled the gun was underneath the suspect.

Valencia considered making a foot pursuit broadcast for Molner but believed it is always better to the have the individual engaged in the foot pursuit make the broadcast.

For additional detail, refer to the Witness Statements section for verbatim transcripts of Valencia's interviews with IAB and Homicide.

SUSPECT'S STATEMENT:

[REDACTED] was interviewed by Homicide detectives while hospitalized at U.C. Irvine Medical Center.

[REDACTED] was walking out of Ramona Park with two of his [REDACTED] (MH/17, [REDACTED] and [REDACTED] see Witness Interview).

> **IAB Note: Homicide did not interview [REDACTED] or provide any contact information for him.**

As he left the park, a suspicious vehicle passed by the group on Mapledale Street. As they continued to walk, another car drove up behind the group. [REDACTED] believed it might be the same car and believed it might contain persons unfriendly to him. [REDACTED] started to run north on Claressa Avenue.

As [REDACTED] ran, he had a gun in his waistband. [REDACTED] tried to tighten his belt so the gun would not fall out of his pants. As he turned around, he saw someone wearing green pants or a green shirt and realized a Sheriff was chasing him. He also saw a laser on him. Approximately a second later, he was shot.

[REDACTED] thought he might have stopped for a second when he was shot but was not sure. He thought he might have turned around, thus explaining the gunshot wound to his right hip.

IAB Note: [redacted] ran on the east sidewalk of Claressa Avenue. Deputy Molner was in the street approximately 30 feet behind [redacted] and to [redacted] left. Molner shot [redacted] through his right hip and the bullet exited near [redacted] navel.

[redacted] said he never took the gun out of his waistband. He believed the deputy might have thought he was removing his gun, but he only was "messing with his belt" to keep the gun from falling out of his pants leg. [redacted] did not intend to shoot at the deputy. When [redacted] was shot, his gun fell into his pants, down through his pants leg, then hit the ground. [redacted] believed he "messed up."

[redacted] claimed he possessed the gun for about one week, and claimed he found the gun fully loaded inside of a dumpster.

MISCELLANEOUS SECTION:

None



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

December 3, 2007

Captain James B. Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, CA 90040

Re: J.S.I.D. File # 06-0658
LASD File # 406-19073-0459-055

Dear Captain Curtis:

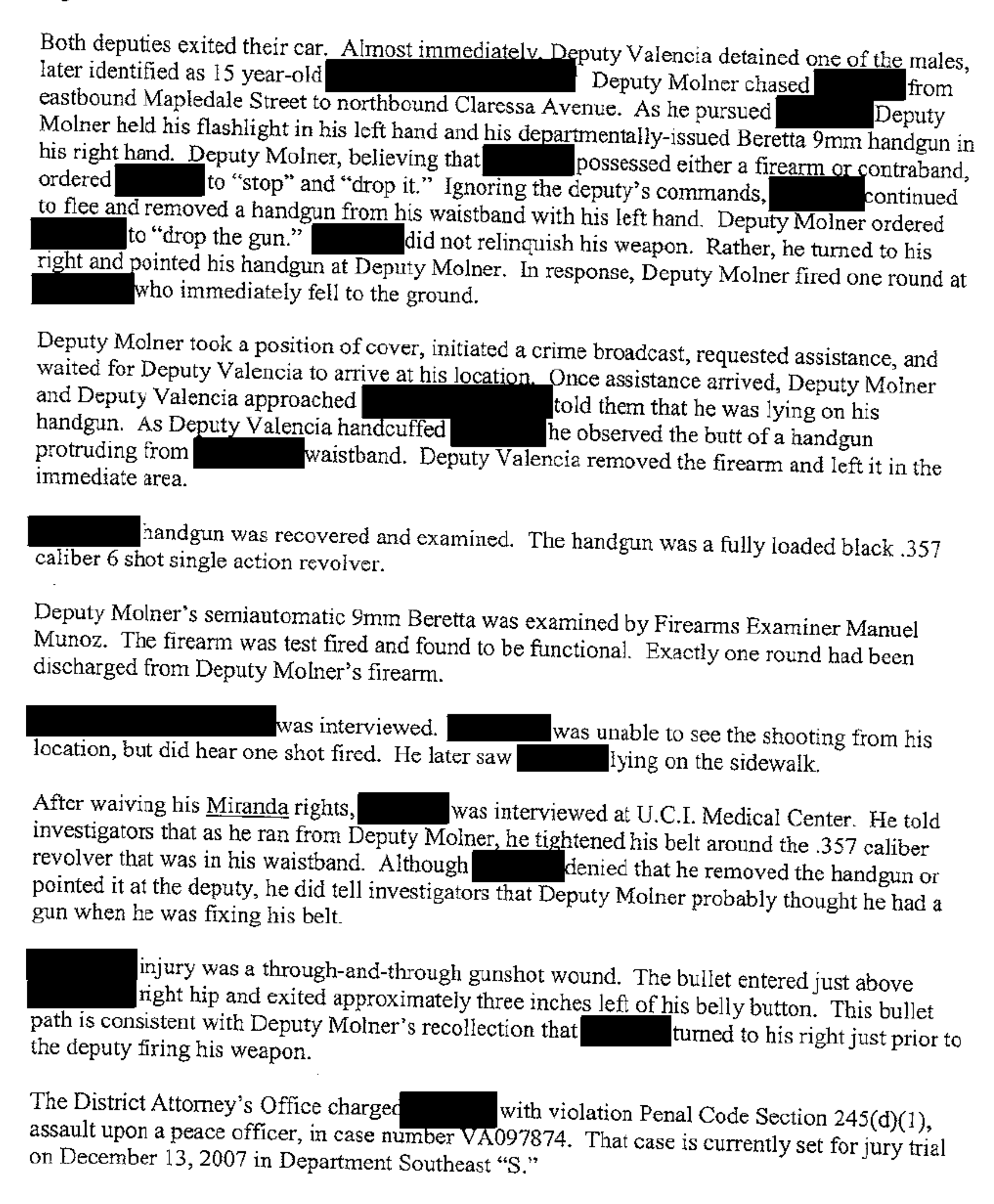
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 19, 2006, non-fatal shooting of [REDACTED] by Los Angeles County Sheriff's Deputy Bradd Molner. It is our conclusion that the Deputy Molner acted in lawful self-defense.

The following analysis is based on reports submitted to our office on September 12, 2007, by Detective Paul Fournier of the Los Angeles County Sheriff's Department (LASD), Detective Division – Homicide Bureau. The District Attorney's Command Center was notified of this shooting on October 19, 2006 at approximately 9:30 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Tal Kahana and District Attorney Senior Investigator [REDACTED] responded and were given a briefing and walk-through of the scene by Lieutenants Debra Lenhart and Albert Grotefend, respectfully. No departmentally compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On October 19, 2006 at approximately 8:53 p.m., Deputy Bradd Molner, the driver, and his passenger, Deputy Joseph Valencia, were in their marked patrol vehicle eastbound on Mapledale Street approaching Claressa Avenue in the City of Norwalk. They observed three males walking north on Mapledale Avenue. One of those males was 17 year-old [REDACTED] The deputies illuminated the three males with their vehicle spotlights. Immediately, [REDACTED] ran northbound, putting his left hand inside his waistband as he fled.

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Both deputies exited their car. Almost immediately, Deputy Valencia detained one of the males, later identified as 15 year-old Deputy Molner chased from eastbound Mapledale Street to northbound Claressa Avenue. As he pursued Deputy Molner held his flashlight in his left hand and his departmentally-issued Beretta 9mm handgun in his right hand. Deputy Molner, believing that possessed either a firearm or contraband, ordered to "stop" and "drop it." Ignoring the deputy's commands, continued to flee and removed a handgun from his waistband with his left hand. Deputy Molner ordered to "drop the gun." did not relinquish his weapon. Rather, he turned to his right and pointed his handgun at Deputy Molner. In response, Deputy Molner fired one round at who immediately fell to the ground.

Deputy Molner took a position of cover, initiated a crime broadcast, requested assistance, and waited for Deputy Valencia to arrive at his location. Once assistance arrived, Deputy Molner and Deputy Valencia approached told them that he was lying on his handgun. As Deputy Valencia handcuffed he observed the butt of a handgun protruding from waistband. Deputy Valencia removed the firearm and left it in the immediate area.

 handgun was recovered and examined. The handgun was a fully loaded black .357 caliber 6 shot single action revolver.

Deputy Molner's semiautomatic 9mm Beretta was examined by Firearms Examiner Manuel Munoz. The firearm was test fired and found to be functional. Exactly one round had been discharged from Deputy Molner's firearm.

 was interviewed. was unable to see the shooting from his location, but did hear one shot fired. He later saw lying on the sidewalk.

After waiving his Miranda rights, was interviewed at U.C.I. Medical Center. He told investigators that as he ran from Deputy Molner, he tightened his belt around the .357 caliber revolver that was in his waistband. Although denied that he removed the handgun or pointed it at the deputy, he did tell investigators that Deputy Molner probably thought he had a gun when he was fixing his belt.

 injury was a through-and-through gunshot wound. The bullet entered just above right hip and exited approximately three inches left of his belly button. This bullet path is consistent with Deputy Molner's recollection that turned to his right just prior to the deputy firing his weapon.

The District Attorney's Office charged with violation Penal Code Section 245(d)(1), assault upon a peace officer, in case number VA097874. That case is currently set for jury trial on December 13, 2007 in Department Southeast "S."

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[1] The third individual was never apprehended.

CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM 505.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM 5.30 and 5.32.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. Graham v. Conner (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that [redacted] engaged the deputies in a foot pursuit and ignored Deputy Molner's commands to stop and drop the weapon. Instead, he pointed a loaded firearm at Deputy Molner. Fearing for his life, Deputy Molner fired one round at [redacted] striking [redacted] in the stomach area.

We conclude that Deputy Molner was placed in reasonable fear of imminent danger of death or great bodily injury by [redacted] actions and acted lawfully in self-defense when he used deadly force against [redacted] We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Amy Pentz

Amy Pellman Pentz
Deputy District Attorney
(213) 974-3888

c: Deputy Bradd Molner #[redacted]